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Responses to Information Requests

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Armenia: Police corruption, particularly whether there are government actions to combat it and whether there is a police complaints authority (January 2008 - September 2010)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 6 February 2010 correspondence with the Research Directorate, the Chairperson of Transparency International (TI) in Yerevan stated that corruption in the police force in Armenia is "widespread and frequent" and includes bribery, nepotism, abuse of public office and fraud. It is also stated in the Freedom House *Freedom in the World 2010* report that

[b]ribery and nepotism are reportedly common among government officials... Corruption is also believed to be a serious problem in law enforcement.

...

Police make arbitrary arrests without warrants, beat detainees during arrest and interrogation, and use torture to extract confessions.

The Observatory for the Protection of Human Rights Defenders also stated in its annual report for 2009 that police had "recourse to torture" (2009, 390).

Government actions to combat corruption

In October 2009, the government of Armenia adopted the 2009 - 2012 Anti-Corruption Strategy and Action Plan (US 9 Dec. 2009; EU 12 May 2010, 4), which entered into force on 3 December 2009 (US 3 Dec. 2009). This strategy and action plan aims to establish a system for monitoring and assessing corruption, as well as an "anti-corruption secretariat" (EU 12 May 2010, 4). With respect to police corruption, *The Republic of Armenia Anti-Corruption Strategy and its Implementation Action Plan for 2009 - 2012* outlines the following objectives:

Ensure the lawfulness and increase the responsibility of police activities by ensuring that administrative acts on administrative liability are lawful and meet legal requirements, improving access to procedures for appealing against police officers' actions, toughening the mechanisms of control over the legality of police actions parallel to increasing significantly the police officers' salaries, and increasing the risk and inevitability of punishment for income generated by illegal payments;

Ensure proper quality of police organs' work and service to the public by minimizing the need for intermediary police units and officer-citizen contacts, introducing procedures to encourage cooperation between the public and the police and civil society participation, increasing public awareness of police activities, and by ensuring proper coverage of citizens' rights and responsibilities and administrative processes. (Armenia 7 Oct. 2009, No. 211)

A report of the European Commission notes that "despite good legislative progress, no reduction of perceived corruption was reported by international surveys in 2009" (EU 12 May 2010, 4). According to *Country Reports on Human Rights Practices for 2009* published by the United States (US) Department of State, the actions taken by the Armenian government to combat corruption "continued to produce little tangible results" (US 11 Mar. 2010, Sec. 4). While legislation includes provisions against official corruption, the law was not effectively enforced by the Armenian government, and officials were "frequently" involved in acts of corruption (ibid.).

In a 2008 compliance report on Armenia and a 2010 addendum to the same report, the Group of States Against Corruption (Groupe d'États contre la corruption, GRECO) of the Council of Europe comments on a series of measures

taken by the government of Armenia to combat corruption in general (Council of Europe 13 June 2008, Para. 4; *ibid.* 11 June 2010, Para. 3).

According to *Country Reports 2009*, since January 2009, public officials as well as members of their family have to produce an asset declaration each year, in compliance with financial disclosure laws (US 11 Mar. 2010, Sec. 4). Nevertheless, the same source indicates that "to what extent officials ... complied with the law remained unclear" (*ibid.*). In addition, *Country Reports 2009* indicates that according to observers in Armenia, "the authorities lacked the will and technical capacity to verify the accuracy of the declarations ... or to take action against persons who concealed their incomes" (*ibid.*). GRECO similarly reports that the tax authorities, which are responsible for verifying the accuracy of the declarations of property and income, "lacked an appropriate methodology for doing so" (Council of Europe 10 Mar. 2006, Para. 112).

The *Global Corruption Report 2009* for Armenia published by Transparency International (TI) indicates that a May 2007 Law on the Office of the Public Prosecutor established that the prosecutor general has been deprived of its capacity to conduct pre-trial investigations; TI states that this reduces the room for abuses of power since prior to the law, the same body had the capacity to carry criminal investigations and determine the legality of those investigations (TI 2009).

The Chairperson of the TI office in Yerevan provided details on changes that were made to combat police corruption:

Procedures in passport departments were simplified; 30 percent of penalties goes to the traffic police salary fund; rotation of officers in the passport department; prosecution of low and middle level officers (6 Feb. 2010).

An ArmeniaNow article also states that the salaries of the police have been increased in order to discourage extortion (18 July 2008).

Country Reports 2009 indicates that in January 2009, a "supervisory public council" was created to act as a "police watchdog" (US 11 Mar. 2010, Sec. 5). A report on police accountability in Armenia prepared by the Innovative Center for Legal Researches, a non-governmental organization (NGO), with the support of the Yerevan office of the Organization for Security and Co-operation in Europe (OSCE), also indicates that a public council, in partnership with the Armenian police, has been tasked to participate in safeguarding the rights and freedoms of citizens and to report on police activities in the country (Innovative Center for Legal Researches/OSCE 2010, 16-17). However, according to *Country Reports 2009*, little information on the impact and actions of this council has been reported during 2009 (US 11 Mar. 2010, Sec. 5).

In a 2008 report, GRECO notes that "awareness of the ways of reporting suspicions of corruption appears to have been raised" (Council of Europe 13 June 2008, Para. 17). The report indicates that the police publish a weekly periodical that includes information on "corruption and corruption-related offences" (*ibid.*, Para. 13). In addition, hotlines where citizens can report suspicions of corruption were established by the police (*ibid.*, Para. 16).

A 10 July 2008 Eurasianet article states that government officials have made official pronouncements regarding a commitment to combat corruption, and that a number of officials were fired in the targeted areas of the tax department, customs service and police. In July 2008, the head of Armenia's police department for passports and visas was fired; Prime Minister Tigran Sarkisian had noted two weeks earlier that there was a "serious problem" of bribery in the department (Eurasianet 10 July 2008). An ARMINFO News Agency article cites an official in the General Investigation Department of the Armenian Police as saying that in 2008 and the first five months of 2009, disciplinary sanctions were imposed on 273 police officers in Armenia during the anti-corruption campaign, and that 69 of them were dismissed from the police force (17 June 2009). According to the Innovative Center for Legal Researches and OSCE report, due to "complex preventive measures" that were taken by the police, the number of professional misconduct incidents has decreased from 564 investigations in 2006 - 2007, to 292 in 2008 - 2009 (2010, 17).

Official statistics cited by *Country Reports 2009* indicate that during the first nine months of 2009, 63 officials involved in corruption cases were convicted, with the majority of them working for the police or the Ministry of Justice (US 11 Mar. 2010, Sec. 4). A Radio Free Europe/Radio Liberty (RFE/RL) article states that in 2009, three police officers in Gyumri (also spelled Gumri) received sentences of seven years imprisonment for bribery (13 Aug. 2009). The Special Investigative Service (SIS), a law enforcement body created to primarily investigate corruption and other forms of abuse perpetrated by state officials (RFE/RL 6 Aug. 2008), charged the fired police chief of Gyumri with abuse of power (*ibid.* 23 Nov. 2009). The SIS stated that the former chief "verbally abused and beat" a person who had entered his office with a complaint (*ibid.*). The article noted that the dismissal and prosecution of a senior law-enforcement official for purported mistreatment is a rarity (*ibid.*).

The annual Human Rights Watch report states that the Armenian authorities have yet to conduct "meaningful investigations into excessive use of police force" that occurred during altercations with opposition supporters in March 2008, which resulted in at least ten deaths, including eight protesters and two security officers (2010). As of January 2010, only four police officers had been charged for excessive use of force in connection with this incident (Human Rights Watch 2010). The Helsinki Citizens' Assembly (HCA)'s office in Vanadzor reported five cases of "torture and ill-treatment in police custody in 2009", but Human Rights Watch states that "there have been no efforts to ensure accountability for these abuses" (*ibid.*).

Complaints against Police

According to the Chairperson of TI in Yerevan,

[t]here are legal procedures [available in Armenia to those who desire to lodge a complaint against the police for mistreatment or corruption] to apply to the supervisor of the police officer against whom complaints goes, and then to the court. However, there are almost no cases of complaints because of mistrust and fear. (6 Feb. 2010)

In addition,

... [t]here is no special authority outside of the police to deal with police corruption and mistreatment. An internal body, the Collegium, exists within the police service to deal with complaints against police officers connected to ethical issues and corruption. (TI 6 Feb. 2010)

According to the report published by the Innovative Center for Legal Researches and the OSCE, the Internal Security Department (ISD) and the Headquarters are the two specialized agencies of the Armenian police responsible for monitoring the compliance of police officers with instructions of the Chief of Police (2010, 13). The tasks of the ISD include investigating police misconduct (Innovative Center for Legal Researches/OSCE 2010, 13). Complaints of citizens against police officers are processed by the Disciplinary Investigation unit of the ISD (ibid., 14). Sanctions imposed on police officers include reprimands, salary reductions, demotions, and firings (ibid., 15). When misconduct involves a criminal offence, the case may be forwarded to the Special Investigative Service (SIS) (ibid.). In addition, the parliamentary Standing Committee can "follow up on citizens' inquiries and complaints about police officers" (ibid., 20).

The Office of the Ombudsman (or Human Rights Defender), who is appointed by Parliament (ibid., 21), deals with "human rights violations and abuses by police officers" (ibid., 22). However, the decisions of the Ombudsman are "not binding" (ibid., 23). Furthermore, the Ombudsman's annual report for 2009 indicates that responses to the Ombudsman's inquiries regarding complaints of violence or torture by police officers often read as "the RoA Police conducted an internal investigation which failed to prove the allegations of violence against the citizen by police officers" (Armenia 2010, 58). In 2008, the Office of the Ombudsman received 187 complaints regarding the police; of those complaints, 137 were admitted by the Ombudsman, while others were either sent to other organizations or denied consideration (Armenia 2009, 73). The Ombudsman's annual report for 2008 indicates that complaints were mostly submitted orally, since alleged victims "feared the repercussions" (ibid.). Complaints mainly include cases of persons being brought to several police stations without justification, failure to initiate criminal cases in accordance with the Criminal Procedure Code, testimonies obtained under "coercion and threats," and refusals to issue passports (ibid.). The Ombudsman's annual report for 2009 states that while the subjects of complaints submitted in 2009 remained essentially the same, the number of complaints "grew considerably" (Armenia 2010, 58). The report adds that in 2009, there was an increase in the number of complaints of "torture" at the hands of police officers (ibid.). The number of complaints that were submitted to the Ombudsman in 2009 was not specified in the report.

According to the report published by the Innovative Center for Legal Researches and the OSCE, "the police and prosecution may be in close connection with each other. This may prevent an impartial judgment of a case of police abuse" (2010, 30).

The website of the United States (US) Embassy in Armenia states that Armenia has Advocacy and Assistance Centers (AACs) established in 2008 and 2009 with the assistance of the US government; the AACs are citizen complaint offices, managed by NGOs, that offer corruption victims free legal advice and aid (US 9 Dec. 2009). The US Ambassador to Armenia stated that in 2009, over 2,000 people came to the AACs for assistance and that "the Centers, working with prosecutors and the courts, are achieving real and positive results" (ibid.). An AAC newsletter published in June 2009 cites an AAC coordinator in Vanadzor as saying that "[t]he majority of cases and inquiries we are currently seeing involve alleged abuse of police power" (AAC June 2009). The AAC coordinator added that in June 2009, the AAC of Vanadzor was handling seven pending court cases (ibid.). Further information on the number of cases being handled by AACs could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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des droits de l'homme (FIDH), Human Rights First, International Crisis Group, Interpol, *Jurist*, Open Society Justice Initiative, United Nations High Commissioner for Refugees (UNHCR) - Refworld.

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